

REMARKS

Claims 1-5, 66-69, and 71 are pending with claims 1, 66, and 67 being independent. Claims 6-65, 70, and 72-79 have been cancelled. Claims 68 and 71 have been amended. For at least the following reasons, Applicants respectfully request reconsideration and allowance of this application.

Examiner Interview

Applicants thank Examiners Laura Lee and Boyer Ashley for the courtesy of a telephonic interview with Applicant's representative, Scott Markow, on July 23, 2008. During the interview, Mr. Markow proposed the amendment to claim 1 above, and explained why the claims 1, 66, and 67 are patentable over the prior art, as explained more fully below. The Examiners agreed to reconsider the rejections based upon the amendment above and the remarks below.

New Matter Objections

New Figure 1A has been objected to, under 35 U.S.C. § 132(a), as introducing new matter. In the Office Action of June 21, 2007, the Examiner objected to the drawings on the basis that a better depiction of the stationary switch is required. In Applicants' Reply filed January 11, 2008, Applicants traversed this objection and, in the interests of expediting prosecution, submitted new Fig. 1A, which shows the tile saw of Fig. 1 with the motor assembly 78 beveled relative to the arm body 61. The Office Action of May 13, 2008 states that the drawing objection in the Office Action June 21, 2007 has been rescinded. Therefore, while Applicants traverse the present objection to Fig. 1A as introducing new matter, in the interests of expediting prosecution, Applicants have cancelled Fig. 1A.

The recitation of a "single pole switch" in claim 70 has been objected to, under 35 U.S.C. § 132(a), as introducing new matter. In the interests of expediting prosecution, Applicants have cancelled claim 70, obviating this objection. Therefore, Applicants respectfully request withdrawal of this objection.

Election/Restriction

Applicants agree to the constructive election of the invention of claims 1-5 and 66-71. To expedite prosecution, Applicants have cancelled non-elected claims 72-79.

Claim Objections

Claims 68 and 71 have been objected to for lack of antecedent basis. The amendments to claims 68 and 71 obviate these objections.

35 U.S.C. § 103(a) Griffin/Miyamoto Rejection

Claims 1-5, 70, and 71 have been rejected under 35 U.S.C. § 103(a) as being obvious over Griffin (U.S. Pat. No. 4,055,206) in view of Miyamoto (U.S. Pat. No. 4,985,544). Claim 70 has been cancelled. For at least the following reasons Applicants respectfully request withdrawal of this rejection as applied to the remaining claims.

Independent claim 1 is patentable over Griffin and Miyamoto at least because neither reference describes or suggests each and every limitation of the claim. See M.P.E.P. § 2143.03 (citing In re Royka, 490 F.2d 981 (C.C.P.A. 1974)). In particular, neither Griffin nor Miyamoto describe or suggest “a table slidably disposed on the first rail so as to be movable relative to the saw assembly in a direction substantially parallel to the longitudinal axis,” as recited in claim 1.

Griffin describes a composite trailer having a body 12 (which the Examiner equates to the claimed base). Inside of the body 12 of the trailer is a radial arm saw 64 (which the Examiner equates to the claimed saw assembly) having a frame 68, a motor 80, and a platen 69 (which the Examiner equates to the claimed table). Extending from a rear portion 36 of the body 12 is a channel 65 (which the Examiner equates to the claimed first rail) in which slides rollers 67 of a carriage 66. Fixedly secured to carriage 66 is the frame 68 of the radial arm saw 68, so that the entire saw 68 can be moved along the channel 65.

However, even accepting, solely for the sake of argument, the Examiner's correspondence between Griffin and the claimed elements, the “table [platen 69]” is not “slidably disposed on the first rail [channel 65] so as to be movable relative to the saw assembly [64] in a direction substantially parallel to the longitudinal axis.” There is no disclosure in Griffin that the platen 69 is moveable relative to the saw assembly 64. Rather, in Griffin, the platen 69 appears to be stationary relative the saw assembly 64. The only movement of the

platen 69 occurs together with the saw assembly 64, along the channel 65. Thus, Griffin fails to describe or suggest at least this feature of claim 1.¹

Miyamoto describes a radial arm saw having a saw member 500 with a motor case 515, a mounting frame 200, a guide arm 100, an adjuster 300, and a base 400. However, Miyamoto does not describe or suggest, nor is it relied upon to describe or suggest, a "a table slidingly disposed on the first rail so as to be movable relative to the saw assembly in a direction substantially parallel to the longitudinal axis." Rather, the base 400 (which arguably most closely corresponds to the claimed table) is stationary relative to the saw member 500. Thus, Miyamoto fails to describe or suggest at least this feature of claim 1.

For at least the foregoing reasons, claim 1, and its dependent claims 2-4 and 71, are patentable over Griffin and Miyamoto.

35 U.S.C. § 103(a) Cerroll/Wang Rejection

Claims 66-69 have been rejected under 35 U.S.C. § 103(a) as being obvious over Cerroll (U.S. Pat. App. Pub. No. 2001/0032534) in view of Wang (U.S. Pat. No. 6,508,281). For at least the following reasons Applicants respectfully request withdrawal of this rejection.

Independent claim 66 is patentable over Cerroll and Wang at least because neither reference describes or suggests each and every limitation of the claims. See M.P.E.P. § 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). In particular, neither Cerroll nor Wang describe or suggest a "support assembly [that] comprises a generally U-shaped member having first and second legs with the switch disposed on the U-shaped member and the motor assembly pivotably supported by the first and second legs," as recited in claim 66.

Cerroll describes a table saw having a base 12 that supports a work table 14. The work table 14 includes a slotted throat plate 18 through which a circular saw blade 22 protrudes. The saw blade 22 is capable of being adjusted for angularity by an angular bevel adjustment mechanism 24. The mechanism 24 includes a support plate 34 mounted for pivotal movement relative to a pair of pivot quadrants 32 (which together the Examiner equates to the claimed support assembly). Mounted to the support plate 34 is a motor 28 and the saw blade 22 so that

¹ Applicants also note that Griffin does not have any disclosure of a switch, let alone a switch that "remain[s] stationary relative to the pivotal movement of the motor assembly," as recited in claim 1.

pivoting of the support plate 34 pivots the motor 28 and saw blade. The bevel adjustment system 24 also includes a locking system 36 that includes a locking rod 62 (which the Examiner equates to the claimed U-shaped member) and several other elements. The locking system 36 locks the support plate 34 at a chosen angular position. The saw also includes a switch 300 in the base 12 that is electrically connected to the motor 28, as shown schematically in Fig. 13 of Cerroll.

However, even accepting, solely for the sake of argument, that the locking rod 62 corresponds to the claimed U-shaped member, Cerroll fails to describe or suggest: (1) a “switch disposed on the U-shaped member” and/or (2) a “motor assembly pivotably supported by the first and second legs” of the U-shaped member. First, there is no disclosure in Cerroll that the switch 300 is “disposed on” the locking rod 62. The Office Action asserts that “‘disposed on’ is being interpreted as broadly as ‘attached or connected to.’” However, even accepting this construction (which Applicants do not concede is correct), there is no description or suggestion that the switch 300 is attached or connected to the locking rod 62. To the contrary, Cerroll clearly states that the switch 300 is “in the base 12” and makes no mention of the switch 300 being attached or connected to the locking rod 62. The only depiction of the switch 300 is in a schematic diagram in Fig. 13 that shows the switch 300 electrically attached or connected to the motor 28. Moreover, because the locking rod 62 is an internal component, and the switch 300 is an external component operated by a user, it seems virtually impossible for the switch 300 to be attached or connected to the locking rod 62. Thus, Cerroll fails to describe or suggest a “switch disposed on the U-shaped member,” as recited claim 66.

Second, Cerroll fails to describe or suggest a “motor assembly pivotably supported by the first and second legs” of the locking rod 62. To the contrary, the motor 28 is fixedly connected to the support plate 34, which is pivotally mounted to the pivot quadrants 32. The locking rod 62, together with the other elements of the locking system 36, serves to lock the support plate 34 in a desired angular position, not to allow pivoting of the support plate 34 and motor 28. Accordingly, Cerroll also fails to describe or suggest a “motor assembly pivotably supported by the first and second legs” of the U-shaped member, as recited in claim 66.

Wang fails to cure the deficiencies of Cerroll with respect to claim 66. Wang describes a platform device for a table saw, but fails to describe the details of operation of the table saw. Therefore, Wang also fails to describe or suggest, nor is it relied upon to describe or suggest (1) a "switch disposed on the U-shaped member" and/or (2) a "motor assembly pivotably supported by the first and second legs" of the U-shaped member, as recited in claim 66. For at least the foregoing reasons, claim 66 is patentable over Cerroll and Wang.

Independent claim 67 is patentable over Cerroll and Wang because neither reference describes or suggests a "support assembly [that] comprises a support member disposed on at least one of the base and the frame assembly, and a generally U-shaped member coupled to the support member, the switch being disposed on the generally U-shaped member," as recited in claim 67. In particular, for at least the reasons discussed above with respect to claim 66, neither Cerroll or Wang describes or suggest a "switch being disposed on the U-shaped member." Accordingly, claim 67, and its dependent claims 68-69, are patentable over Cerroll and Wang.

Conclusion

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application. Moreover, there may be alternative or additional reasons for patentability not discussed in this response.

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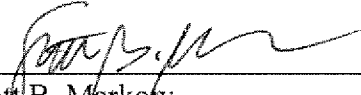
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Respectfully submitted,

Date: _____

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